

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CASE NO: 7:14-CV-185-BR

ANNJEANETTE GILLIS, et al.,

Plaintiffs,

v.

ORDER

**MURPHY-BROWN, LLC d/b/a
SMITHFIELD HOG PRODUCTION
DIVISION,**

Defendant.

Pending before the court is defendant's motion for an Order Governing Demonstrative Exhibits. (ECF No. 174). For good cause shown, that motion is **GRANTED** and the court orders as follows:

1. Each party shall provide the other a copy of demonstrative exhibits and/or visual aids (hereinafter "demonstrative exhibits") it intends to use in opening no later than forty-eight hours in advance of that opening statement;
2. Demonstrative exhibits to be used during the presentation of evidence shall be produced to opposing counsel twenty-four hours before the witness is to be called to the stand;
3. Copies may be in electronic form and transmitted electronically;
4. Parties must raise any objections to a proposed demonstrative exhibit as soon as possible and outside the presence of the jury;
5. Any exhibit not produced to opposing counsel may not be used on direct examination absent good cause;

6. Any exhibit not produced may not be used on redirect unless it relates to a new matter raised on cross-examination and only then by first proposing use of the exhibit on redirect before displaying it to the jury;
7. Any demonstrative exhibit used on direct or cross examination shall be made available to opposing counsel upon passing the witness;
8. Counsel who use any demonstrative exhibit shall provide a paper copy of that exhibit to opposing counsel. Demonstrative exhibits should be clearly marked as follows: 1) demonstrative exhibits used by plaintiffs should be marked with YELLOW stickers and labeled "Plaintiff DE ____"; and 2) demonstrative exhibits used by defendant should be marked with PINK stickers and labeled "Defendant DE ____". If either party wishes to make any demonstrative exhibit a part of the record, that party should tender any such exhibit after labeling and numbering it to the courtroom deputy at the end of the court day or before the jury is called in on the following day. Demonstrative exhibits of this nature will be made a part of the record for purposes of appeal but not provided to the jury during deliberations. **IT IS THE PARTIES' DUTY TO PROVIDE A COPY OF THE EXHIBIT TO THE COURTROOM DEPUTY AND FAILURE TO DO SO WILL RESULT IN THAT EXHIBIT NOT BEING MADE A PART OF THE RECORD;** and
9. Materials to be used solely for cross-examination need not be produced in advance but, if shown to the jury with the permission of the court, the above rules apply.

The Clerk is directed to send copies of this Order to all counsel of record.

IT IS SO ORDERED this 8th day of November, 2018.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge